

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

SOUTHERN APPALACHIAN MOUNTAIN  
STEWARDS, APPALACHIAN VOICES,  
and SIERRA CLUB,

Plaintiffs,

v.

CIVIL ACTION NO. 2:23-CV-00002

A&G COAL CORPORATION,

Defendant.

**JOINT MOTION FOR ENTRY OF CONSENT DECREE**

Plaintiffs Southern Appalachian Mountain Stewards, Appalachian Voices, and Sierra Club, together with Defendant A&G Coal Corporation, (collectively, the Parties) jointly move for this Court to sign and enter as a final judgment the Consent Decree, which is attached to this motion.

In support of this Motion, the Parties state as follows:

1. On January 18, 2023, the Plaintiffs filed the Complaint in this matter alleging claims under the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. § 1201 *et seq.* related to the status of reclamation at three of the Defendant's surface coal mining operations in Wise County, Virginia.

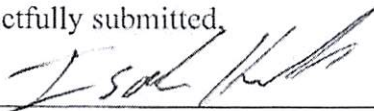
2. Plaintiffs originally alerted Defendant to their concerns regarding the status of reclamation via a notice of intent to sue letter sent on May 10, 2022. In response to that notice of intent to sue letter, Defendant contacted counsel for the Plaintiffs to discuss the potential for resolving the matter in a mutually agreeable manner. Thereafter, the Parties engaged in good faith negotiations, which have resulted in the Consent Decree.

3. The Consent Decree was entered into by the Parties to ensure the timely and enforceable reclamation of the three mine sites. The Consent Decree is fair, adequate, reasonable, and consistent with the public interest and the purposes of SMCRA. Entry of the Consent Decree will avoid potentially protracted litigation, and thereby conserve the resources of the courts and of the litigants.

4. The Parties have consulted with representatives of the Virginia Department of Energy's Division of Mined Land Repurposing, the state regulator of surface mining in Virginia, and those representatives have indicated that the agency supports entry of the Consent Decree.


5. The Parties have prepared the attached Proposed Order which clarifies that the Consent Decree will represent the final judgment of this Court, including specifically the provision imposing the obligation to create, fund, and maintain an escrow account. The Parties respectfully request that this Court sign and enter both the Consent Decree and the Proposed Order.

Respectfully submitted,

  
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